



PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Warshawsky et al.

Serial No.: **08/893,080**

Filed: **07/15/97**

Attorney Docket No.: M01846A-US

Title: **3-Mercaptoacetylamino-1,5-substituted-
2-oxo-azepan Derivatives Useful as
Inhibitors of Matrix Metalloproteinase**

Examiner: Not Assigned

Art Unit: Not Assigned

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231, on

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Signature

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PETITION UNDER 37 C.F.R. § 1.182 FOR WITHDRAWAL OF
THE HOLDING OF ABANDONMENT

Commissioner for Patents
Washington, D.C. 20231

RECEIVED

FEB 14 2001

Sir:

OFFICE OF PETITIONS

PETITION

This is in response to "Notice of Abandonment Under 37 C.F.R. § 1.53(f) or (g)," dated, December 11, 2000, in the above-identified patent application (see EXHIBIT A). Applicants petition for withdrawal of the holding of abandonment for the reasons set forth below.

STATEMENT OF THE FACTS

Applicants respectfully submit that the following sets forth the prosecution events before the United States Patent Office in the above-identified patent application:

1. The above identified patent application was filed on July 15, 1997 and was assigned the application serial no. 08/893,080 by the USPTO (see attached Filing Receipt from the USPTO, EXHIBIT B).
2. A "Notice to File Missing Parts of Application – Filing Date Granted (Form PTO-1533)" was mailed by the USPTO on November 28, 1997, however, no boxes were checked indicating what part was missing (see EXHIBIT C).

3. In compliance with the request stated in item 2 and since Applicants were aware that the Declaration had not originally been submitted, Applicants submitted the duly signed Declaration along with the copy of Form PTO-1533 on December 19, 1997, which was filed timely within the TWO month deadline of January 28, 1998 from the date of mailing of Form PTO-1533. These papers were received at the USPTO on December 22, 1997 as evidenced by the date stamp on the return post card (see EXHIBIT D – 11 pages).
4. Applicants filed “Change of Address” on January 20, 1999, which was received in the USPTO on January 25, 1999 (see EXHIBIT E – 2 pages).
5. Applicants submitted “Status Inquiry” on June 9, 1999 providing complete chronology of events in this application, as stated hereinabove in items 1 to 4 (see EXHIBIT F – 3 pages). However, no response to this Status Inquiry was obtained from the USPTO as of this date.
6. Applicants contacted Ms. Margaret Stevens, Head Legal Examiner, The USPTO, on March 23, 2000 seeking help to locate this file along with a few other missing case files as listed in this letter (see EXHIBIT G – 2 pages). With the help of Ms. Stevens it appears that this file was located in the USPTO, but to Applicants’ surprise a “Notice of Abandonment” was received as stated above (see EXHIBIT A).

POINTS TO BE REVIEWED

1. From the foregoing “Statement of the Facts,” it is respectfully submitted that Applicants have fully complied with all of the rules in filing of the above-identified Non-Provisional patent application and responded in a timely fashion to the “Notice of Missing Parts.”
2. In spite of Applicants compliance with the procedures and rules as stated above, the Patent Office has erred in issuing a Notice of Abandonment on December 11, 2000.

ACTION REQUESTED

Applicants respectfully request the Commissioner to withdraw the holding of abandonment on the above-identified nonprovisional patent application by way of granting this petition so that prosecution of this case on the merits is commenced.

The Commissioner is authorized to charge any fees under 37 C.F.R. 1.17(h) or fees under any other sections, which may be required by this petition to Account No. **18-1982** for Aventis Pharmaceuticals Inc. Bridgewater, NJ. Please credit any overpayment to Deposit Account No. **18-1982**. A duplicate copy of this petition is enclosed for accounting purposes.

Respectfully submitted,

Balaram Gupta

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Enclosures -Exhibits A through G